



March 21, 2019

*Notice of Ex Parte*

Marlene Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: *Connect America Fund: Performance Measures for Connect America  
High-Cost Universal Service Support Recipients  
WC Docket No. 10-90; DA 17-1085***

Dear Ms. Dortch:

On March 19, 2019, the undersigned and Tamber Ray of NTCA-The Rural Broadband Association (NTCA) met with Suzanne Yelen (TAPD), Cha-Chi Fan (OEA/IAD), Alec MacDonell (OEA/IAD) and Roger Woock (OEA/IAD); Stephen Wang (TAPD) joined the meeting by phone. Also joining by phone were the following members and staff of NTCA: Robert DeBroux, TDS Telecom (Madison, Wisconsin); Tracer Geiss, Nex-Tech (Lenore, Kansas); Brian Hough and Kelley Wells, PTCI (Guymon, Oklahoma); Rob Johnstone, Range Telephone Cooperative (Worland, Wyoming); Ben McCameron, Shawnee Communications (Lovington, Illinois); Dean Mischke, Finley Engineering; Michael Prather, Totelcom (DeLeon, Texas); Brent Simmons, Strata Networks (Roosevelt, Utah); Troy Smith, Moundridge Telephone Company (Moundridge, Kansas); Nathan Weber, Vantage Point Solutions; and, Brian Ford, NTCA (collectively, NTCA).

NTCA reiterated its support for rigorous testing standards that confirm the deployment of broadband networks that meet robust capability targets associated with high-cost support. NTCA explained, however, that providers have identified numerous issues relating to their ability to implement testing within the parameters and timeframe prescribed by the Commission. These include technical and administrative issues, certain of which have been noticed to the Commission in previous filings and appearances.<sup>1</sup> Moreover, the lack of final rules, as well as the various pending petitions and application for review, present some degree of uncertainty as providers endeavor to define the scope of the processes that will be implicated by the testing requirements.

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<sup>1</sup> See *Application for Review* of NTCA (Sep. 19, 2018); *Ex Parte* of NTCA (Feb. 28, 2019).

In the meeting, NTCA discussed traffic load congestion caused by simultaneous testing to servers. This discussion derived from issues noted in the February 28, 2019, *ex parte* filing of NTCA in this docket. NTCA described failures that occur when accumulated gigabit testing is delivered to a server.

NTCA also refreshed its concerns about temporarily upgrading locations to achieve a minimum sample pool. Building upon discussions presented in previous filings, NTCA elaborated that in some instances, a temporary upgrade could require a company that has deployed facilities along an adjacent roadway (and which can provide service to a location within 10 days) to now extend fiber to a non-subscribing subscriber location, or, in instances in which fixed wireless is relied upon, to install equipment at the subscriber location. In either instance, significant cost and customer consent would attend a need to, for purposes of an only temporary upgrade, install an antenna on a homeowner's roof or trench a lawn to bury fiber.

Additionally, NTCA reiterated its concerns with rules that would discard test results that are in excess of 150% of the advertised speed.<sup>2</sup>

Finally, NTCA discussed general concerns occasioned by a nearing implementation deadline, lack of generally available solutions and many unanswered questions that providers have as decisions on final protocols and standards remain pending.

With these considerations in mind, NTCA proposes:

1. Testing obligations for providers should not become effective before the applicability of build-out obligations that apply to those providers. In the first instance, no penalty for non-compliance should apply before the underlying build-out obligations are effective. Secondly, inasmuch as price-cap CAF 2 model build-out obligations arise before other similar obligations, the price-cap testing experiences can be instructive for other providers receiving support via cost-based mechanisms, ACAM, the CAF 2 auctions, or the rural broadband experiments. In this scenario, an initial phase of testing by price-cap providers would provide observational value for other operators and the Commission; parties could rely upon this period to trouble-shoot unanticipated outcomes and pave the way for smoother implementation by other providers.
2. Moreover, the rules should not be effective until vendors have sufficient time to create generally available solutions *following* decisions on final protocols and standards, and only after ISPs then have sufficient time to "bench test" the solutions. Invariably, ISPs will need to confirm that solutions are compatible with billing and back-office systems. It can be anticipated reasonably that vendor development of solutions, including initial design, alpha testing, beta testing and release to market, will require 12 months, and that ISPs will require six-to-12 months after that time to bench test generally available solutions.

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<sup>2</sup> See *Application for Review* at 18-20.

3. During this solution development and “test the testing” period, collaborative efforts among the Commission, USAC and the industry will be useful to ensure that the final rules comport to the actual operational and administrative functions of the small ISP providers.

NTCA remains committed to working with the Commission to ensure a testing regime that confirms the deployment of networks in a manner consistent with the conditions of high-cost support.

Respectfully submitted,

/s/ Joshua Seidemann

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